



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 2, 1998

Ms. Leah Davis Bates
Attorney for the Department
Texas Department of Public Safety
5805 N. Lamar Boulevard
Austin, Texas 78773-0001

OR98-2095

Dear Ms. Bates:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117809.

The Department of Public Safety (the "department") was asked by a requestor to verify whether a named individual is a certified concealed handgun instructor. The requestor also seeks: (1) the date of certification, (2) certification or license number, (3) the number of students taught by this individual who were certified or obtained licenses, and a complete list of those persons. The department released some information concerning the instructor to the requestor, but you contend that much of the information requested is confidential pursuant to section 411.192 of the Government Code.

Section 411.192 provides, in part:

The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specific written list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. Except as otherwise provided by this section and by section 143.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, except that the applicant or license holder may be furnished a copy of disclosable records on request and the payment of a reasonable fee. The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the

name of the person or agency making the request. This section does not prohibit the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department.

Pursuant to section 411.192, the department released to the requestor the date of birth, gender, race, and zip code of the named individual, who is licensed to carry a concealed handgun. Because the named individual also is a certified handgun instructor, and section 411.192 provides that the department may disclose information showing that a person is an instructor, the department also confirmed the individual's certification and provided information showing his original date of certification and instructor identification number. We assume that, pursuant to section 411.192, the department also notified this license holder about the request for information.

However, you assert that section 411.192 prohibits the department from releasing information about licensees who have taken handgun instruction courses taught by the named individual. We agree that the department is prohibited under section 411.192 from releasing a list identifying the licensees who were students of the named individual.

The requestor also asked for the number of licensees who were students of the named individual. Section 411.193 provides that the department "shall make available, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issues, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder." However, section 411.193 does not require the department to create a list showing the total number of licensees taught by any one individual instructor. Open Records Decision No. 362 at 2 (1983) (governmental body does not have to supply information which does not exist). The information in any event is confidential under section 411.192.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117809

Enclosures: Submitted documents

cc: Mr. Lynn Dollins
CNA Investigations
P.O. Box 27537
Houston, Texas 77227
(w/o enclosures)